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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,  
Plaintiffs,  
v.  
EDMUND G. BROWN, JR., et al.,  
Defendants.<sup>1</sup>

Case No. C94 2307 CW

**STIPULATION AND ORDER RE  
PROCEDURE FOR RESOLVING  
ATTORNEY'S FEES INCURRED ON  
APPEAL**

<sup>1</sup> The names of Defendants currently serving and their capacities have been substituted pursuant to Fed. R. Civ. P. 25.

1 WHEREAS, on March 26, 1997, the District Court established procedures by which  
2 Plaintiffs are to collect periodic attorneys' fees and costs in this case in connection with their  
3 work monitoring Defendants' compliance with the Court's Orders and collecting fees (the  
4 "Periodic Fees Order");

5 WHEREAS, Defendants filed an appeal to the Ninth Circuit Court of Appeals, Case  
6 No. 09-17144, regarding this Court's Order requiring that Defendants develop a plan to track  
7 and accommodate *Armstrong* class members housed in county jails, which was resolved by the  
8 Ninth Circuit's Memorandum Order issued on September 7, 2010 and the Ninth Circuit's  
9 denial of Defendants' petition for rehearing en banc issued on December 28, 2010;

10 WHEREAS, the Ninth Circuit has granted Plaintiffs' request to transfer consideration of  
11 attorney's fees and expenses in Case No. 09-17144 to this Court; and

12 WHEREAS, the parties seek to resolve their differences in the most efficient manner  
13 possible and reduce the burden on the Court;

14 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

15 1. Plaintiffs shall seek their claimed attorney's fees and expenses incurred in Case  
16 No. 09-17144 by submitting their claim to Defendants as part of the quarterly periodic fees  
17 process pursuant to the Periodic Fees Order;

18 2. Pursuant to the Periodic Fees Order, Defendants shall have an opportunity to  
19 object to Plaintiffs' claimed fees and expenses, and the parties will attempt to resolve any  
20 disputes regarding Plaintiffs' claims;

21 3. Defendants do not waive any objections to Plaintiffs' claimed expenses or costs  
22 based on the Ninth Circuit's order that each side shall bear its own costs; and

23 4. If the parties are unable to resolve disputes regarding Plaintiffs' claims for  
24 attorney's fees and expenses incurred in Case No. 09-17144, then Plaintiffs may file a motion

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By: /s/ Holly M. Baldwin  
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Attorney General of the State of California

By: /s/ Jay C. Russell  
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Deputy Attorney General  
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Dated: **1/19/2011**

The Honorable Claudia Wilken  
United States District Judge